

**Regular meeting of the Board of Trustees of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, January 3, 2005 at 7:00pm.**

**PRESENT:** Mayor Josephine C. Matela, Trustee/Vice Mayor Carrie L. Maziarz, Trustee Norman J. Knapp, Trustee Morton Wexler, Trustee James E. Whipple, DPW Superintendent Bradley B. Upson, Building/Zoning Officer Scott C. Zarnstorff, Police Chief Daniel P. Varrenti, Clerk Leslie A. Morelli.

**EXCUSED:** Treasurer Ian M. Coyle, Planning Board Chair / Economic Development Coordinator Scott Winner

**ALSO PRESENT:** Village Attorney Keith O'Toole, Deputy Fire Chief Laurence C. Vaughan, Ken Pike, Ray & Jackie Morris, Jim & Joan Hamlin, Glenn & Laura Emerson, Rudy Aceto, Elliotte Bowerman (Brockport Post), Linda Borrayo, Norm GianCursio, Fred Webster, John Lessord, Mary Jo Nayman, Kathy Snyder, Merv Beaney.

**CALL TO ORDER:** Mayor Matela called the meeting to order and led the Pledge of Allegiance. Mayor Matela asked for a moment of silence for the tragedy due to the Tsunami in Southeast Asia. She asked that everyone dig deep into their hearts and pockets to aid in the relief efforts. The Mayor and Trustees wished everyone a Happy New Year.

**REVIEW OF MEETING MINUTES:** Mayor Matela called for any additions or corrections to the minutes of the regular meeting held December 20, 2004.

➔ Trustee Maziarz moved, Trustee Whipple seconded, unanimously carried that the minutes of the meeting held December 20, 2004, be approved as amended.

**PUBLIC HEARINGS:** None

**PUBLIC INFORMATION MEETINGS:** None

**GUESTS:** None

**PUBLIC COMMENT:**

1. Rudy Aceto said he had spoken with Clerk Morelli and she put out a memo sharing that the Morgan Manning House is considering holding an outdoor wine tasting event on their property in August sometime. They would sell tickets in advance and rope off the grounds. They would use only Morgan Manning grounds, not any Village property. He wondered if such an event would be okay and if any approvals would be needed from the Village. He asked if there is any concern regarding alcohol / open container. Chief Varrenti said as long as the participants are over 21 years of age and it takes place on private property, there is no problem. Village Attorney O'Toole concurred. Board wished him well with the event.

**DEPARTMENT REPORTS:**

A. PUBLIC WORKS / COMMUNICATIONS CENTER – Superintendent Bradley B. Upson  
1. Resolution authorizing partial payment #3 for General construction at the Harvester Park Community Center to Testa Construction, Inc. \$29,394.90 – B. Upson said the contractors working on the Visitors Center have requested a release of partial payments for work completed to date. Testa Construction, Inc. (Contract A) has completed approximately 66% of the general construction and has requested release of partial payment #3 in the amount of \$29,394.90. This request has been reviewed by Village Engineer Chatfield's office and the DPW and they concur that the work has been completed in the amounts indicated. B. Upson recommended that the Village Board authorize these payments and direct Treasurer Coyle to release the funds indicated from Project 44 previously approved for this work. B. Upson said the Village is holding a 5% retainage.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried authorizing said payment.

On another note, Mayor Matela reported that the Village does not need to file for an extension on the \$25,000 grant since the project is so far along.

2. Resolution authorizing partial payment #1 for Electrical construction at the harvester Park Community Center to Concord Electric Corp. Inc. \$7,515.00 – B. Upson said the contractors working on the Visitors Center have requested a release of partial payments for work completed to date. Concord Electric Corp. (Contract D) has completed approximately 87% of the electrical construction and has requested releaser of partial payment #1 in the amount of \$7,515.00. This request has been reviewed by Village Engineer Chatfield's office and the DPW and they concur that the work has been completed in the amounts indicated. B. Upson recommends that the Village Board authorize this payment and direct Treasurer Coyle to release the funds indicated above from Project 44 previously approved for this work. B. Upson said the Village is holding a 10% retainage.

→ Trustee Knapp moved, Trustee Whipple seconded, unanimously carried authorizing said payment.

3. Resolution authorizing partial payment #1 for site improvement construction at Harvester Park to Testa Construction, Inc. \$15,770.00 – B. Upson said the contractor working on the site improvements in Harvester Park has requested a release of partial payments for work completed and materials stored on-site to date. Steve General Contractor, Inc. has ordered bonds and delivered blocks for the retaining walls for the site construction and has requested release of partial payment #1 in the amount of \$15,770.00. This request has been reviewed by Village Engineer Chatfield's office and the DPW and they concur that the work has been completed in the amounts indicated. B. Upson recommends that the Village Board authorize these payments and direct Treasurer Coyle to release the funds indicated from Project 44 previously approved for this work. B. Upson said the Village is holding a 10% retainage.

→ Trustee Whipple moved, Trustee Wexler seconded, unanimously carried authorizing said payment.

**B. POLICE DEPARTMENT – Chief Daniel P. Varrenti**

1. Calls for Service – Chief Varrenti said the Brockport Police Department has answered 85 calls for service in its first 3 days of the new year. He will have the final 2004 figures at an upcoming meeting.
2. Budget Preparation – Chief Varrenti reported that he has been working on the police departments budget and will have it to Treasurer Coyle by the January 12<sup>th</sup> deadline if not sooner.
3. Officer Search – Chief Varrenti reminded the Board that they authorized him to begin the search process for officer(s) to be prepared in case a full time officer(s) should leave. He made clear that he is not again asking to hire, just getting ready should the need arise since it is a very long process. He held some interviews on December 15<sup>th</sup> and thanked Trustees Maziarz and Wexler for attending. The next interviews will be January 11<sup>th</sup> from 3pm to 4:30pm and he invited any available and interested Board members to attend.

Trustee Wexler thanked Chief Varrenti for the opportunity. He said he would be unable to attend January 11<sup>th</sup> due to vacationing out of town. He asked if any of the upcoming interviewees would be interested in part time employment. Chief Varrenti said one might be.

4. Accreditation Presentation – Chief Varrenti reminded everyone that the Village would be presented with the Police Department Accreditation certification on Tuesday, January 18<sup>th</sup> at 7pm. He said he expects many members of the department and their families will be in attendance.

Mayor Matela reminded the Board that she had put out a memo last week suggesting that the Village Board meeting that night begin at 6pm. Board agreed that would be fine. Trustee Maziarz commented that she would not be in attendance January 18<sup>th</sup> due to a conference. However, she thanked and congratulated Chief Varrenti and the Brockport Police Department on the accreditation.

5. Holidays – Chief Varrenti shared that he and his wife brought in food to the Police Department and Dispatchers on duty on Christmas Day. Mayor Matela did so on New Year's Day. He said the Police Department conference table was filled with food throughout the holiday week and thanked members of the public such as Glenn and Laura Emerson who provided it.

**C. BUILDING / ZONING / CODE ENFORCEMENT - Scott C. Zarnstorff**

1. Assessment Grievance Day is Tuesday, February 15<sup>th</sup> 4-8pm (one Board vacancy) – S. Zarnstorff shared that they are working on the tentative assessment roll. It should be completed by the end of January. A notice will be published in Suburban News. Assessment Grievance Day is Tuesday, February 15 from 4pm to 8pm. S. Zarnstorff reminded the Board that there is still one vacancy on the four member Assessment Board of Review. The advertisement in November did not yield any applications.
2. Monthly Reports – October, November, December – S. Zarnstorff reviewed the October, November and December monthly reports.
3. 2004 Year End Report – S. Zarnstorff provided an overview of his department's activity in 2004. Regarding applications, the Building Department saw a record year in permit fees and value of construction for the applications received in 2004. This was the case although the total number of applications was down about 10%. The downward construction trend was noted in the typical homeowner projects such as pools, decks and additions. It is likely due in part by the summer season weather (rain), rising costs for construction materials and high gas prices. On a positive note, the Building Department had an increase of larger construction

projects such as Village Centre Apartments, a new restaurant called Merchants Street Smokehouse, and half

**MINUTES OF MEETING HELD January 3, 2005 continued.....page 3**

dozen new homes. If the Village experiences more normal spring/summer weather, the two new home subdivisions, McCormick Place and Remington Woods and Lakeside Memorial Hospital's proposed addition, a similar or larger volume can be expected in 2005.

S. Zarnstorff said application fees totaled \$20,000 a 67% increase from last year. Value of construction totaled \$4.4 million, a 300% increase from last year.

Regarding inspections, total inspections totaled 1,314, 350 more than last year. S. Zarnstorff said approximately 150 inspections were due to the specific large construction projects mentioned previously.

Regarding the door tag program, S. Zarnstorff and L. Vaughan commented on the success. L. Vaughan said they started the door tag program in June 2003. Nine various issues are addressed by the different color tags. They have been tracking the success and show over 60 percent compliance. It is a time and cost savings as well as an educational effort. It provides an avenue for interaction and presence in the community. S. Zarnstorff said he and L. Vaughan put in a lot of extra time at the beginning of the college year evenings and weekends, which pays off.

S. Zarnstorff said the new year brings opportunities for improved code enforcement, in field opportunities and implementation of new state mandates with the hiring of a part time clerk. The clerk will take much of the paperwork burden off of him, so he can spend more time in the field and implementing programs. He said he looks forward to the challenge of meeting the ever-increasing demands and streamlining efforts to get done what has been undone until now.

S. Zarnstorff thanked L. Vaughan for doing an excellent job. L. Vaughan thanked him for the positive feedback. Mayor Matela shared that she recently expressed her thanks to both S. Zarnstorff and L. Vaughan for their most recent efforts regarding code enforcement and property maintenance issues. She said she knows it is not an easy job and is often thankless. L. Vaughan said there are things that sometimes get by them, but with the public's help, they will be addressed. L. Vaughan said most people see their presence and appreciate it for being good for the Village.

Trustee Wexler asked about an entry on one of the inspection reports regarding Woodstock Lane in Clarkson. S. Zarnstorff said it is noted that this was mutual aid assistance to Clarkson. Doug Scarson, Code Enforcement Officer for the Town of Clarkson has on occasion covered inspections for the Village when both S. Zarnstorff and L. Vaughan are unavailable at training or such. S. Zarnstorff said they do the same for him on rare occasion. It is a good back up program.

**D. FIRE DEPARTMENT – Deputy Chief Laurence C. Vaughan**

1. Membership Adds/Drops/Transfers – None
2. 2004 Call Load – Deputy Chief Vaughan reported 1,015 fire calls and 1,741 ambulance calls totaling 2,756 for the year 2004. This was up 255 jobs from 2003. He commented that it was a quiet holiday season with the exception of a serious water problem at 60 Erie Street causing considerable interior damage and displacing college students. This was due to a frozen sprinkler pipe from the heat being turned down to low.
3. Base Station – Deputy Chief Vaughan said the new base station seems to be a big improvement and is working well.
4. Dispatchers – Deputy Chief Vaughan said the new dispatchers would begin training by January 10<sup>th</sup>.
5. Alpine Software – Deputy Chief Vaughan said they continue to work on the development of their new records management system. The transfer of currently stored data from the old system to the new is a complex job.
6. Bid Results – replacement of van #2317 – The Fire Chief's office would like the Village Board to consider the bid from Van Bortel Ford (the only bid received). The bid meets or exceeds their original specifications and the price is considerably less than the state bid pricing they had worked out. This will replace the 1995 model with 78,000 miles that coincidentally was recently involved in an accident with a deer. It is on a 10-year rotation. It is pretty sound mechanically. The old van could be repaired or not repaired, traded in, kept, sold at auction or bid out for sale. Mayor Matela commented that the Sweden Senior Center (servicing Brockport, Clarkson,

Sweden) could use the van if it not cost prohibitive to keep it. Trustee Whipple said the idea of the three municipalities keeping it is not far fetched since all three municipalities purchased it. Trustee Maziarz said Officer Mesiti might be interested in using it for the Brockport Police Department Explorers. L. Vaughan said the Fire Department Explorers might

**MINUTES OF MEETING HELD January 3, 2005 continued.....page 4**

have a use for it as well.

Chief Varrenti asked if they planned to fix the old van. He suggested doing so inexpensively through the school's body shop. Mayor Matela said the estimate to repair is \$2,500. Insurance covered \$1,652.93. Deputy Chief Vaughan said they might be able to repair it for less if they do not fix every nook and cranny of the damage.

Trustee Wexler asked if there are sufficient funds to purchase the new van. Deputy Chief Vaughan said they had already spoken with Treasurer Coyle and he confirmed there are sufficient funds. Trustee Whipple said the state bid price is \$23,700, but the local bid received was for \$20,345. He said this goes to show that state bid is not always the cheapest way to go. Deputy Chief Vaughan said by the time they add the necessities it would cost \$26,320.

→ Trustee Wexler moved, Trustee Whipple seconded, unanimously carried to accept the bid of Van Bortel Ford for \$26,320.

- E. TREASURER - Ian M. Coyle (excused)
- F. CLERK - Leslie A. Morelli – No report.
- G. ATTORNEY – Keith O'Toole / DEPUTY ATTORNEY – Frank A. Aloï – No report.
- H. ECONOMIC DEVELOPMENT – Coordinator R. Scott Winner (excused)

**SUPPORT BOARDS REPORTS:**

- A. PLANNING BOARD – Chair R. Scott Winner (excused)
- B. LIBRARY BOARD – President Matthew Minor (absent)
- C. ZONING BOARD OF APPEALS - Chair Jennifer Skoog-Harvey (absent)

**VILLAGE BOARD REPORTS:**

- A. Trustee/Vice Mayor Maziarz
  - 1. Carolin Drive Rehabilitation Project – Trustee Maziarz responded to the questions presented by Mary Jo Nayman of 5 Carolin Drive at the December 20<sup>th</sup> Village Board meeting. She reviewed the responses and provided MJ Nayman with a copy. (The same was mailed to each address on Carolin Drive on January 5<sup>th</sup>).

1. Funding for the project?

The 2004/2005-budget item originally included monies in account A-5110 for the shim coating and sealing of Carolin Drive. Upon further evaluation, the DPW staff decided that milling and a 1-inch asphalt overlay would provide better service. The cost of that work was estimated to be \$28,000.00. When the Village Board was considering changing the scope of the project for a corrective maintenance project to a rehabilitation project, Village Treasurer Coyle determined that the additional cost (\$41,300.00) could be covered by the increase in NYS CHIPS program monies that the Village received.

As noted at the last Board meeting, those funds will be available to complete the project as currently envisioned.

2. When will the drainage work be complete so residents don't need to worry about their homes flooding?

The replacement of the storm sewer is continuing, however we have to wait for RG&E to relocate gas services as we run into them. We anticipate the storm sewer work will be completed by the beginning of April.

Completion of the storm sewer is no guarantee that homes will not be flooded in this area. There are at least 5 reports, going back to the 1940's that discuss the lack of drainage in this portion of the village. The land is very flat and heavy rain events will cause surface flooding because of the shallow slopes. That surface flooding can enter basements through perimeter drains, and foundation walls.

DPW staff believe that the flooding problem behind the houses on the east side of the street is the result of runoff from Corbett Park that is not being intercepted by the swale along the west fence line of the park. It appears that over the years, this swale has silted in and lost much of its carrying

capacity, allowing water to overflow westerly and flood the backyards of the houses on Carolin Drive.

As was pointed out at several meetings, the DPW will regrade the swale as soon as we have a hard frost and can get on the park lands with our diggers. Any work done before there is frost in the  
**MINUTES OF MEETING HELD January 3, 2005 continued.....page 5**

ground will create more problems.

3. Project schedule?

Continue the storm sewer replacement	through January, February and March 2005.
Remove old curbing on west side	as storm sewer work is progressing.
Remove old curbing on west side	March (weather permitting).
Install curbing base	1 <sup>st</sup> week of April (assuming asphalt plants are open).
True and level road base	2 <sup>nd</sup> week of April (assuming asphalt plants are open).
Install concrete curbing	3 <sup>rd</sup> & 4 <sup>th</sup> weeks of April (assuming the above is done).
Paving	2 <sup>nd</sup> week of May (weather permitting).
Restoration	completed by 1 <sup>st</sup> week of June.

Since the asphalt plants are closed and the concrete work cannot be efficiently done at this time of the year, there is no sense preparing a schedule. The drainage work will continue as personnel are available and RG&E is not blocking. There are at least 3 months to complete the remaining storm sewer work before we have to do the curbs. Barring any major winter weather in March and April that will be sufficient.

4. Additional street lighting?

The Village Board approved, by resolution at the 18 October 2004 regular meeting, the installation of two colonial-type light poles on the southern end of Carolin Drive. Niagara Mohawk has been asked to provide the Village with a cost estimate to install these two light fixtures. We are awaiting their proposal before final authorization. This installation will cost more and take longer because, unlike other lighting districts, as there is no power source close to the street (power is in the backyards of the subdivision).

5. Project priority?

This project is a high priority for the DPW, but there are jobs that are safety issues (snow and ice control, crosswalk striping, water breaks), time sensitive (Spring pickups), or contractual responsibilities that may take precedent. With limited personnel, we must apply our work fore where the immediate concern is.

B. Trustee Knapp

1. Response to Jim Hamlin – Trustee Knapp responded to the questions presented by Jim Hamlin of 50 Park Avenue at the December 20<sup>th</sup> Village Board meeting that related to the DPW. Regarding the status of repairing or replacing the 10-wheel dump truck, B. Upson is awaiting information from the truck vendors and is looking into funding proposals. Purchase would be subject to the bid process and permissive referendum. Repair is not out of the question. The addition at the DPW garage has been placed on the back burner due to budgetary constraints and site issues.

C. Trustee Wexler

1. Response to Jim Hamlin - Trustee Wexler responded to the questions presented by Jim Hamlin of 50 Park Avenue at the December 20<sup>th</sup> Village Board meeting that related to the Fire Department. He reviewed the responses prepared by L. Vaughan and provided J. Hamlin with a copy. Trustee Wexler thanked Deputy Chief Vaughan for the response. Questions regarding the Fire Department included the status of the roof at fire station #1, fire company consolidation and fire district formation. The situation with the roof falls under the responsibility of B. Upson. He is aware of the situation and will be preparing bids to repair the roof this spring at a possible cost of \$65,000. There is money in the capital fund to cover this. Regarding fire company consolidation, there is an active committee working on the various ways to accomplish their goals. One of the big problems is how to re-organize and still follow NYS Village Laws that pertain to fire departments. The committee is working on a constitution and by-laws to establish and run the new organization as well as what to call it. Some of the needs have been difficult to place in a by-law format. They have a lawyer on retainer who has been helpful in walking them through the various sections of NYS law. Regarding the fire district, though the department is in support of the fire district concept for running the fire department, the Village would be the leader in getting it started, as it is "their" fire department. One of the big set backs is the ambulance third party billing. Current regulations do not allow fire districts to bill for ambulance service. Both the Towns of Sweden and Clarkson will have a say in the matter as well and when looking at how to go about forming a fire district, the easiest way would be to be a consolidated fire department prior to trying to form a fire district. A look at the fire district will probably come after the five fire companies are consolidated into one department.

2. Billing Statements – Trustee Wexler asked that the Village Board come to an agreement as to their next workshop meeting as to what exactly is needed from a vendor on their billing statement/invoice to the Village Board.

3. Fire Chiefs – Trustee Wexler congratulated the three Fire Chiefs on their recent re-election.

**MINUTES OF MEETING HELD January 3, 2005 continued.....page 6**

**D. Trustee Whipple**

1. Fire Chiefs – Trustee Whipple commented that on December 9<sup>th</sup> the Delegates to Elect Chief’s held an election for the unopposed positions of Fire Chief, Deputy Chief and Assistant Chief for the Brockport Fire Department for the 2005 term. The Village Board needs to officially accept them to their elected positions.

→ Trustee Whipple moved, Trustee Maziarz seconded, unanimously carried to accept Christian McCullough as Fire Chief, Laurence Vaughan as Deputy Chief and Timothy Rombaut as Assistant Chief. The Mayor and Board offered their congratulations.

**E. Mayor Matela**

1. Campbell Case – Mayor Matela said it is only right and proper that a piece of important correspondence is read into the record. On December 27, 2004 Larry K. Bernstein, Second Assistant District Attorney of Monroe County responded to Trustee Maziarz the following: “Thank you for providing me with information regarding this matter. After reviewing this information and obtaining further information and a review of any potential criminal charges, it is my opinion that no further investigation of this matter is required and that no criminal charges are appropriate.”

**PUBLIC COMMENT:**

1. Mary Jo Nayman of 5 Carolin Drive said it just wouldn’t be a Village Board meeting without her. She has attended every one since August. She wished everyone a Happy New Year. She said many residents of Carolin Drive are unable to attend these meetings, but some see them on community cable access. She thanked Trustee Maziarz for answering her questions in public since they were asked in public. She questioned the hold up regarding the 2 additional streetlights. B. Upson explained that the connections are in the back yards; it will require Niagara Mohawk to bring in an additional power line at an extra cost. Niagara Mohawk is putting the costs together.

MJ Nayman thanked Trustee Wexler for responding to a panic call on Christmas Eve regarding a neighbor with a flooded basement. Deputy Chief Vaughan said he looked at the street after the last meeting and confirmed that is one of the wider streets in the Village and even with the construction ongoing and snow accumulation there is sufficient room for two way traffic and emergency vehicles.

MJ Nayman said she has heard the Board pay out money for the Canal Side Visitor’s Center at the last couple of meetings. She questioned the total cost of this project. Mayor Matela said she did not have the figure in front of her, but would be happy to get it. Mayor Matela said it is being funded through several grants and money set aside by the Village for years for this purpose. Trustee Knapp said he spoke with Harry Donahue of DPW who assured him the same.

2. Glenn Emerson of 89 Holley Street wished everyone a Happy New Year. He responded to Chief Varrenti’s appreciation of he and his wife providing food to the police department during the holidays. He said several of his neighbors are to be credited as well. G. Emerson congratulated the Board on their efforts to improve code enforcement and property maintenance. He referred to the October carbon monoxide news report in which it was stated that there are approximately 100 rental properties in the Village that do not have a current certificate of occupancy. He said this is a violation of state law and asked how the Village plans to remediate this problem. Mayor Matela said S. Zarnstorff is working on a report addressing that very problem. She said she would copy him on it when it is ready. Trustee Maziarz said in the meantime she has been assisting S. Zarnstorff on some Friday afternoons with compiling a list of information on rental and business properties and their c of o status. They are about 2/3 of the way through. It is a daunting task, but they are making an effort. G. Emerson said volunteers have offered their help. Mayor Matela said they are also looking at software to assist in improving the efficiency of keeping this kind of information updated.

**AUDIT:**

→ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the bills be allowed and paid upon audit.

<u>Village</u>		
Date	Check #	Amount
12/29/04	170868-69	149.36

1/3/05	170882-922	25,127.39
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Fire

1/3/05	170870-81	6,705.11
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Third Party Billing

1/3/05	479-84	7,510.14
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**MINUTES OF MEETING HELD January 3, 2005 continued.....page 7**

Capital Projects

12/28/04	1760	43,842.50
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1/3/05	1761-69	55,506.10
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Sewer

**ADJOURNMENT:**

- ➔ Trustee Wexler moved, Trustee Knapp seconded, unanimously carried that the meeting be adjourned at 8:05 pm.

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Leslie Ann Morelli, Village Clerk